

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

LAWRENCE E. THOMAS-EL,)
Petitioner,)
vs.) No. 07-3054-CV-S-RED-H
UNITED STATES OF AMERICA,)
Respondent.)

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

Petitioner has filed what he captions as a Motion for Hearing on Supervised Release Violation Warrant. As grounds, he asserts that he was charged with escape in the United States District Court for the Eastern District of Virginia and was paroled from a District of Columbia sentence to a federal sentence of 27 months in September of 1997. He was then released to a supervised release in September 1999. He was, thereafter, incarcerated on a new criminal charge. His parole was revoked, and a supervised release violation warrant has been lodged against him. It is on that warrant he seeks a hearing. To the extent that he is seeking relief in this district, the matter has been construed as a Writ of Habeas Corpus seeking relief from the effects of the lodged detainer.

Petitioner has not complied with 42 U.S.C. § 1997(e)(1) of the Prison Litigation Reform Act concerning exhaustion of administrative remedies. Contrary to his belief that he has satisfied this matter, that requirement is not exhausted until a decision is received from the National Inmate Appeals Administrator. *See 28 C.F.R. §542.15.* Nothing in this recommendation is intended to affect whatever right the petitioner may have to seek relief in the United States District Court for the Eastern District of Virginia.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted.¹

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England

**JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE**

Date: June 8, 2007

¹ Petitioner has 10 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.